

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/9/2021

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CARO CAPITAL, LLC, CARO PARTNERS, LLC, :

JUPITER WELLNESS, INC., BRIAN JOHN, and :

RICHARD MILLER, :

:

Plaintiffs, :

:

-v- :

:

ROBERT KOCH, BEDFORD INVESTMENT :

PARTNERS, LLC, KAIZEN ADVISORS LLC, and :

JOHN DOES 1-10, :

:

Defendants. :

:

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20-cv-6153 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Each side filed letters seeking a ruling by the Court on various discovery issues and a conference. See Dkt Nos. 80, 81. The Court held a conference on those matters today. This order reiterates those made orally at the conference today:

1. Defendant's oral motion to extend the discovery schedule is DENIED.
2. Defendant Koch is ordered to appear for his deposition on September 2, 2021.
3. Defendants may take the depositions of Mr. John and Dr. Wilson before the close of fact discovery.
4. Defendants are ORDERED to complete production of documents responsive to Plaintiffs' document request by August 20, 2021, and to produce 10,000 documents responsive to that request by the end of the day on August 10, 2021, with the remainder to follow by August 20, 2021. This order is without prejudice to Plaintiffs making a motion to reopen the deposition of Mr. Koch based on prejudice should there be anything significant in Defendants' document productions that Plaintiffs are unable to ask Mr. Koch at his September 2 deposition because of the date at which the documents were produced.
5. Plaintiffs' motion for Defendants to identify to which request each of the 40,000 documents produced by Defendants is responsive is DENIED, without prejudice to a motion by Plaintiffs for discovery sanctions should it turn out that Defendants have violated Rule 34.
6. Defendants may make a motion to compel production of documents responsive to their document request. Even without a motion to compel, the Court will entertain a motion to reopen the depositions of the two individuals whose depositions are to be taken by Defendants this month should it turn out based on the record, including that created at their depositions, that Plaintiffs have failed to produce documents responsive to the

request and that such documents would have been significant to the deposition and Defendants were not able to use the documents because they were not produced or based on a date of production after this Order.

SO ORDERED.

Dated: August 9, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge